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## NOTICE OF ALLOWANCE AND FEE(S) DUE

26646 7590 03/16/2009

KENYON & KENYON LLP  
ONE BROADWAY  
NEW YORK, NY 10004

EXAMINER

NGUYEN, CAO H

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 03/16/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/692,498 10/19/2000

Dmitry Paperny

2509/250

6742

TITLE OF INVENTION: METHOD AND SYSTEM FOR USING A HYPERLINK, BANNER, OR GRAPHICAL ICON TO INITIATE THE OVERLAYING OF AN OBJECT ON A WINDOW

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$0	\$0	\$1510	06/16/2009

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

### HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to: Mail**

**Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
or Fax (571)-273-2885**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

26646 7590 03/16/2009

**KENYON & KENYON LLP  
ONE BROADWAY  
NEW YORK, NY 10004**

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE-FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$0	\$0	\$1510	06/16/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
NGUYEN, CAO H	2173	715-700000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

2. For printing on the patent front page, list

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/147; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

1

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

2

3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_ Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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09/692,498	10/19/2000	Dmitry Paperny	2509/250	6742
26646	7590	03/16/2009	EXAMINER	
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			NGUYEN, CAO H	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 03/16/2009

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 413 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 413 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

**Notice of Allowability****Application No.**

09/692,498

**Applicant(s)**

PAPERNY ET AL.

**Examiner**

Cao (Kevin) Nguyen

**Art Unit**

2173

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/20/08.
2. ☒ The allowed claim(s) is/are 1-17, 19-23, 25-74 and 77-98.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

/Cao (Kevin) Nguyen/  
Primary Examiner, Art Unit 2173

**DETAILED ACTION**  
**EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Martin Miller on 3/12/09.

***Claim 1. (Currently Amended)*** A method for overlaying an object in a window of a software application, comprising the steps of:

receiving a request for the object to be displayed in the window, the request being initiated by a behavior of a user viewing the window;

creating an overlay plane including the object as a function of the receiving step in a layer, the layer containing the object is defined based on a definition of the window; and

displaying the object, in response to the request, by overlaying the created overlay plane in the window, wherein the object is displayed in a predetermined location relative to the window that is independent of a location of a pointing device that is positioned based on a behavior of a user viewing the window.

**Claim 17. (Currently Amended)** A method for overlaying an object in a window of a software application, comprising the steps of:

receiving a request for the object to be displayed in the window, the request being initiated by a behavior of a user viewing the window;

creating an overlay plane using at least one layer including the object as a function of the receiving step, wherein the layer is created using a layering functionality of the software application and is defined based on a definition of the window; and

displaying the object, in response to the request, by overlaying the layer in the window, wherein the object is displayed in a predetermined location relative to the window that is independent of a location of a pointing device.

**Claim 20. (Currently Amended)** A method for overlaying an object in a window of a software application, comprising the steps of:

receiving a request for the object to be displayed in the window, the request being included in at least one of the definition of the window and a content for the window;

creating an overlay plane using at least one layer including a reference to the object as a function of the receiving step, wherein the layer is created using a layering functionality of the software application and the layer, defined based on the window definition, is hidden from a user; and displaying the object, in response to the request, by overlaying the layer in the window, wherein the object is displayed in a predetermined location relative to the window that is independent of a location of a pointing device.

**Claim 23. (Currently Amended)** A method for overlaying an object in a window of a software application, comprising the steps of:

receiving a request for the object to be displayed in the window, the request being included in at least one of the definition of the window and a content for the window;

creating an overlay plane using at least one layer including the object as a function of the receiving step, wherein the layer is created using a layering functionality of the software application and the layer, defined based on the window definition, is hidden from a user;

after creating the overlay plane, overlaying the hidden layer over content being displayed in the window and hiding the hidden layer from a user for a specified time period; and

at the end of the specified time period, displaying the object hidden in the layer over the content in the window, wherein the object is viewable by the user and displayed in a predetermined location relative to the window that is independent of a location of a pointing device.

**Claim 31. (Currently Amended)** A method for overlaying an object in a window of a software application, comprising the steps of:

receiving, by a plugin-control, a request for the object to be displayed in the window, the request being initiated by a behavior of a user viewing the window;

creating, by the plugin-control, an overlay plane including the object as a function of the receiving step, the object is contained in a layer defined by a definition of the window; and

displaying the object in response to the request by overlaying, by the plugin-control, the created overlay plane in the window, wherein the object is displayed in a predetermined location relative to the window that is independent of a location of a pointing device.

**Claim 47. (Currently Amended)** A method for overlaying an object in a window of a software application, comprising the steps of:

receiving, by a plugin-control, a request for the object to be displayed in the window, the request being initiated by a behavior of a user viewing the window;

creating, by the plugin-control, an overlay plane using at least one layer including the object as a function of the receiving step, wherein the layer is created using a layering functionality of the software application and is defined by a definition of the window; and displaying the object in response to the request by overlaying, by the plugin-control, the layer in the window, wherein the object is displayed in a predetermined location relative to the window that is independent of a location of a pointing device.

**Claim 52. (Currently Amended)** A method for overlaying an object in a window of a software application, comprising the steps of:

receiving, by a plugin-control, a request for the object, the request being initiated by a behavior of a user viewing the window;

creating, by the plugin-control, an overlay plane including the object as a function of the receiving step; defining a layer using the software application provided functionality, wherein a



layer definition is included in a definition of the window and the layer is based on the window definition; placing the created overlay plane in the defined layer; and overlaying, by the plugin-control, the created overlay plane in the window.

**Claim 62. (Currently Amended)** A method for overlaying an object in a window of a software application, comprising the steps of:

receiving, by a plugin-control, a request for the object, the request being initiated by a behavior of a user viewing the window;

creating, by the plugin-control, an overlay plane including the object as a function of the receiving step;

defining a layer using the software application provided functionality, wherein the layer definition is included in the definition of the window, the layer is hidden from the user, the layer is defined on the window definition, and the layer includes a reference to the object;

placing the created overlay plane in the defined layer; and

overlaying, by the plugin-control, the created overlay plane in the window.

**Claim 66. (Currently Amended)** A method for overlaying an object in a window of a software application, comprising the steps of:

receiving, by a plugin-control, a request for the object, the request being initiated by a behavior of a user viewing the window;

creating, by the plugin-control, an overlay plane including the object as a function of the receiving step;

defining a layer using the software application provided functionality, wherein a layer definition is included in a definition of the window, the layer is hidden from the user, the layer is defined on the window definition, and the layer includes the object;

placing the created overlay plane in the defined layer; and

overlying, by the plugin-control, the created overlay plane in the window.

**Claim 77. (Currently Amended)** A system for overlaying an object in a window of a software application, comprising:

a program memory;

a storage device; and

a processor, wherein the processor is adapted to:

(i) receive a request for the object to be displayed in the window, the request being initiated by a behavior of a user viewing the window;

(ii) create an overlay plane including the object as a function of the receiving step, the object contained in a layer that is defined based on a definition of the window; and

(iii) display the object, in response to the request, by overlaying the created overlay plane in the window, wherein the object is displayed in a predetermined location relative to the window that is independent of a location of a pointing device.

**Claim 83. (Currently Amended)** A computer-readable medium storing a set of instructions, the set of instructions capable of being executed by a processor to implement a method for overlaying an object in a window of a software application, the method comprising the steps of:

receiving a request for the object to be displayed in the window, the request being initiated by a behavior of a user viewing the window;

creating an overlay plane including the object as a function of the receiving step, the object contained in a layer that is defined based on a definition of the window; and

displaying the object, in response to the request, by overlaying the created overlay plane in the window, wherein the object is displayed in a predetermined location relative to the window that is independent of a location of a pointing device.

***Claim 84. (Currently Amended)*** A computer-readable medium storing a set of instructions, the set of instructions capable of being executed by a processor to implement a method for overlaying an object in a window of a software application, the method comprising the steps of:

receiving, by a plugin-control, a request for the object to be displayed in the window, the request being initiated by a behavior of a user viewing the window;

creating, by the plugin-control, an overlay plane including the object as a function of the receiving step, the object contained in a layer that is defined based on a definition of the window; and

displaying the object in response to the request by overlaying, by the plugin-control, the created overlay plane in the window, wherein the object is displayed in a predetermined location relative to the window that is independent of a location of a pointing device.

***Claim 85. (Currently Amended)*** A method for initiating the overlaying of an object in a window of a software application, comprising the steps of:

clicking by a user an element of the window;

creating a layer as a function of the clicking step, wherein the layer includes the object  
and is defined based on a definition of the window; and

displaying the object by overlaying the created layer in the window, wherein the object is displayed in a predetermined location relative to the window that is independent of a location of a pointing device and wherein the layer is directly composited in the window without using a layering feature of the software application.

***Claim 93. (Currently Amended)*** A method for overlaying an object in a window of a software application, comprising the steps of:

receiving a request for the object to be displayed in the window, the request being initiated by a behavior of a user viewing the window;

creating an overlay plane including the object as a function of the receiving step, the object contained in a layer that is defined based on a definition of the window; and

displaying the object, in response to the request, by overlaying the created overlay plane in the window, wherein the object is displayed in a predetermined location relative to the window that is independent of a location of a pointing device and wherein the overlay plane is directly composited in the window without using a layering feature of the software application.

***Allowable Subject Matter***

Claims 1-17, 19-23, 25-74 and 77-98 are allowable over the prior art of record.

The following is an examiner's statement of reasons for allowance: Applicant has claimed uniquely distinct features in the instant invention which are not found in the prior art either singularly or in combination. They are creating an overlay plane including the object as a function of the receiving step in a layer, the layer containing the object is defined based on a definition of the window; and displaying the object, in response to the request, by overlaying the created overlay plane in the window, wherein the object is displayed in a predetermined location relative to the window that is independent of a location of a pointing device that is positioned based on a behavior of a user viewing the window.

These features are not found or suggested in the prior art.

The closest prior arts, Gough and Gever disclose a conventional of creating an overlay plane including the object as a function of the receiving step; either singularly or in combination, fail to anticipate or render the above underline limitation obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (571)272-4053. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571)272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cao (Kevin) Nguyen/  
Primary Examiner, Art Unit 2173

3/12/09